

Summary of the Surveillance State Repeal Act

The Surveillance State Repeal Act would:

1. Repeal the PATRIOT Act (which contains the telephone metadata harvesting provision).
2. Repeal the FISA Amendments Act (which contains the email harvesting provision).
3. Ensure that any FISA collection against a US Person takes place only pursuant to a valid warrant based on probable cause (which was the original FISA standard from 1978 to 2001).
4. Retain the ability for government surveillance capabilities to be targeted against a specific natural person, regardless of the type of communications method(s) or device(s) being used by the subject of the surveillance.
5. Retains provisions in current law dealing with the acquisition of intelligence information involving weapons of mass destruction from entities not composed primarily of U.S. Persons.
6. Prohibit the government from mandating that electronic device or software manufacturers build in so-called “back doors” to allow the government to bypass encryption or other privacy technology built into said hardware and/or software.
7. Increase the terms of judges on the Foreign Intelligence Surveillance Court (FISC) from seven to ten years and allow their reappointment.
8. Mandate that the FISC utilize technologically competent Special Masters (technical and legal experts) to help determine the veracity of government claims about privacy, minimization and collection capabilities employed by the US government in FISA applications.
9. Mandate that the Government Accountability Office (GAO) regularly monitor such domestic surveillance programs for compliance with the law, including responding to Member requests for investigations and whistleblower complaints of wrongdoing.